

AMENDED IN ASSEMBLY APRIL 27, 2016

AMENDED IN ASSEMBLY APRIL 20, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1749

Introduced by Assembly Member Mathis
(Coauthors: Assembly Members Harper and Olsen)
(Coauthor: Senator Cannella)

February 2, 2016

An act to ~~amend Section 21080.08~~ *add and repeal Section 21080.06* of the Public Resources Code, relating to environmental quality, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1749, as amended, Mathis. California Environmental Quality Act: exemption: recycled water pipeline.

Existing law, the California Environmental Quality Act, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. The act also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. The act exempts from its requirements projects consisting of the construction or expansion of recycled water pipeline and directly

related infrastructure within existing rights of way, and directly related groundwater replenishment, if the project does not affect wetlands or sensitive habitat, and where the construction impacts are fully mitigated, and undertaken for the purpose of mitigating drought conditions for which a state of emergency was proclaimed by the Governor on a certain date. The act provides that this exemption remains operative until the state of emergency has expired or until January 1, 2017, whichever occurs first.

This bill would ~~extend that date to January 1, 2019. exempt from the act's requirements projects for the construction of recycled water treatment facilities and directly related pipelines approved or carried out by a public agency prior to July 1, 2017, for the purpose of mitigating drought conditions that meet certain requirements. The bill would provide that this exemption remains operative until the state of emergency is terminated or until January 1, 2018, whichever occurs first.~~

Because a lead ~~agency's~~ agency would have the duty to determine the applicability of this ~~exemption would potentially be extended,~~ exemption, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 21080.08 of the Public Resources Code~~
- 2 ~~is amended to read:~~
- 3 ~~21080.08. (a) This division does not apply to a project that~~
- 4 ~~satisfies both of the following:~~
- 5 ~~(1) The project is approved or carried out by a public agency~~
- 6 ~~for the purpose of mitigating drought conditions for which a state~~
- 7 ~~of emergency was proclaimed by the Governor on January 17,~~
- 8 ~~2014, pursuant to Chapter 7 (commencing with Section 8550) of~~
- 9 ~~Division 1 of Title 2 of the Government Code.~~

~~(2) The project consists of construction or expansion of recycled water pipeline and directly related infrastructure within existing rights of way, and directly related groundwater replenishment, if the project does not affect wetlands or sensitive habitat, and where the construction impacts are fully mitigated consistent with applicable law.~~

~~(b) This section shall remain operative until the state of emergency due to drought conditions declared by the Governor in the proclamation issued on January 17, 2014, has expired or until January 1, 2019, whichever occurs first, and as of January 1, 2019, is repealed unless a subsequent statute amends or repeals that date.~~

SECTION 1. Section 21080.06 is added to the Public Resources Code, to read:

21080.06. (a) This division does not apply to a project that satisfies both of the following:

(1) The project is approved or carried out by a public agency prior to July 1, 2017, for the purpose of mitigating drought conditions for which a state of emergency was proclaimed by the Governor on January 17, 2014, pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

(2) The project consists of construction of a recycled water treatment facility located on city-owned property and directly related pipelines that are less than a mile in length and located within existing developed rights-of-way, the project does not affect wetlands or sensitive habitat, and where the construction impacts are fully mitigated consistent with applicable law.

(b) This section shall remain operative until the state of emergency due to drought conditions declared by the Governor in the proclamation issued on January 17, 2014, is terminated or until January 1, 2018, whichever occurs first, and, as of January 1, 2108, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

1 SEC. 3. This act is an urgency statute necessary for the
2 immediate preservation of the public peace, health, or safety within
3 the meaning of Article IV of the Constitution and shall go into
4 immediate effect. The facts constituting the necessity are:

5 To ensure the ~~continued~~ expeditious construction or expansion
6 of recycled water ~~pipeline~~ *treatment facilities* and directly related
7 ~~infrastructure~~ *pipelines* to mitigate drought conditions for which
8 the Governor has declared a state of emergency, it is necessary for
9 this measure to take effect immediately.